

Variance & Application Appeal Process

WHAT CAN BE APPEALED?

Utah Administrative Code Section R930-6-9(3) indicates that only a completed variance or application denial may be appealed. In other words, an applicant must submit a fully completed variance request form or conditional access permit application *before* UDOT could formally deny either, and before an appeal can be accepted by an applicant.

HOW THE INFORMAL APPEAL PROCESS WORKS:

A



Applicant submits completed variance or application

B



UDOT formally denies the variance or application

C



Applicant has 30 days to complete and submit the appeal form

D



UDOT schedules an informal appeal hearing or arranges an alternative

E



Hearing Officer provides a written findings order as needed

Note: The amount of time between C and E is largely dependent on scheduling availability of both UDOT and the applicant. It is not unreasonable to expect a *minimum* of 60 days between C and E. Typically more complex appeals take more time. In all cases, UDOT applies best efforts to render such decisions in a timely manner. If the process can be completed in less time every reasonable effort to do so is made.

WHERE TO START?

The variance request and appeal forms are published and accessible on the Statewide Access Management Program website at the link below (see Downloads section). These forms are PDF-based and have form fields activated.

www.udot.utah.gov/go/AccessManagement

WHAT ELSE IS IMPORTANT?

It can be more difficult for UDOT staff to arrive at a “no” decision than a “yes” decision. For this reason, variance or application denials are not taken lightly. Denial actions are never made without the supporting concurrence of multiple internal reviews, which helps to serve as an internal check and balance process. Nevertheless, both denials and subsequent appeals are a reality of virtually all permitting programs. Fortunately, UDOT’s application appeal rate averages less than 3% across the State, while UDOT is finding successful paths to approval of more than 300 conditional access permit applications each year.